

## REMARKS

Claims 1 to 3, 5, and 10 to 11 are pending in the application; claims 4 and 6 to 9 are cancelled.

### **Rejection under 35 U.S.C. 103**

Claims 1-3 and 5-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Iida et al.* (US 2002/0174511 A1) and any of *Dufern et al.* (US 5,167,209), *Reese* (US 5,133,315) and *Spicer et al.* (US 4,758,460).

The examiner argues that the reference U.S. 2002/0174511 shows a blower with carrying frame provided with a baseplate, a fan comprising a fan housing mounted on the carrying frame, wherein the fan housing has an intake opening facing the baseplate and is spaced from the baseplate so that an intake gap is formed between the baseplate and the fan housing. An internal combustion engine is provided for driving the fan to take in working air through the intake opening and to blow out working air through the blower tube. A filter member is located in the intake gap.

The examiner states that claims 1-3 and 5-11 differ from the disclosed device only in that the filter is a leaf shield made of foam material with a central chamber adjoining the intake opening of the fan housing. The three secondary references are cited to show foam material filters having a central air chamber adjoining the intake of the fan housing.

Claim 1 has been amended by features taken from claims 8 and 9 (fastening element securing the foam material block by penetrating it) and by an additional feature taken from paragraph 6 of the instant specification (foam material of leaf shield provides a protection device preventing that a hand can be inserted into the intake gap).

The invention as claimed in claim 1 defines that the leaf shield covering the intake gap prevents leaves and debris from entering the fan housing and is a monolithic foam material block that forms the protection device preventing accidental insertion of a hand into the intake gap. At least one fastening element is arranged between the base plate and the fan housing for connecting the two parts and penetrates the foam material of the monolithic foam material block and secures by positive fit the monolithic foam material block between the base plate and the fan housing.

Thus, the leaf shield and the protection device are one and the same element

formed by the monolithic foam material block. The monolithic foam material block is secured by the at least one fastening element that penetrates the foam material block and secures it by positive fit.

The secondary reference *Dufern et al.* shows a filter 41 secured between the plate 48 (col. 2, lines 49-50; Fig. 1 identified the plate by "46" and not 48) and the annular member 25. There is no positive fit securing action provided by a fastening element that penetrates the foam material block.

The secondary reference *Reese* discloses a filter 54 that is attached by brackets 34 and hook ends 40 to the starter housing 24. The filter element 54 is a disk and not a ring-shaped filter element; it has no central air chamber. The filter ring 68 of Fig. 9 is secured by means of this filter 54 placed onto the ring-shaped filter 68; see col. 4, lines 52-66. There is no fastening element penetrating the foam material block of the ring-shaped filter 68.

The secondary reference *Spicer et al.* discloses filter material that is pressed between inner and outer cages 10, 16. Metal caps 18 and 20 are provided to complete the filter arrangement. No fastening elements that penetrate a foam material block are shown.

The primary reference *Iida et al.* discloses a protective means 14 that is provided to prevent the operator from putting his fingers through the port 13 (see paragraph 0030). The protective means (intake grid) 14 is fastened by means of screws 17 to the case 12. The filter members 24 and 26 are arranged on the outer periphery of the intake grid 14. The filter elements are secured in that the ends of the band-shaped filter member are connected to one another (Fig. 3) to form a loop. This is also true for the embodiment where the filter member 26 is connected to the vibration proof member 18a; see paragraph 0038.

The present invention is based on the principle that the leaf shield is comprised of a monolithic foam material block with coarse pores. The foam material block has a central air chamber adjoining the intake opening of the fan housing. The monolithic foam material block at the same time provides a protection device to prevent the operator from sticking his hands into the intake gap. Between the base plate and the housing at least one fastening element is provided connecting the two parts and the at least one fastening

element penetrates the foam material block (see instant Fig. 2) so that the foam material block is secured by positive fit between the base plate and the fan housing.

No separate protection device is needed. The leaf shield itself provides this protective function. In contrast to *lida et al.*, there are no separate parts required. The fixation of the foam material block is realized in that a fastening element arranged between the base plate and the fan housing and connecting the two parts penetrates the foam material block. In this way, the foam material block is positively secured between the base plate and the fan housing. Additional securing means for the leaf shield that forms at the same time the protection device are not required. A safe and reliable attachment is provided.

Such a configuration is not disclosed or suggested in the cited references alone or in combination. *lida et al.* discloses a protection device but the protection device and the leaf shield are separate parts. A configuration according to which the leaf shield and the protective device are combined in a single foam material block is not suggested by or obvious in view of this reference.

The fixation of the filter member in *lida et al.* is done by connecting the ends of the band-shaped material to one another as shown in Fig. 3. The ring that is formed in this way surrounds either the separate protection device (grid 14) or the vibration proof member 18a. The first arrangement requires the presence of a separate protection device. When arranging the filter member on the vibration proof member, the filter member can easily become detached or loose because of the relative movement of the fan housing and the base frame. This can impair the proper function of the device.

The inventively proposed configuration of utilizing the leaf shield as a protection device and the inventively proposed fixation of the foam material block by the fastening elements between the base plate and the fan housing - which fastening elements are present anyway - and the positive-fit connection providing a safe fixation of the leaf shield are not obvious in view of *lida et al.*

The secondary references cited by the examiner also cannot provide any teaching or suggestion in this regard because the secondary references neither disclose an intake gap nor fastening elements that bridge the intake gap (i.e., are arranged between a base

plate and a fan housing). Moreover, a fastening element for connecting the base plate and the fan housing that penetrates a filter element so as to provide a positive fit securing action is not disclosed in any of the secondary references.

Claim 1 and its dependent claims are therefore believed to be allowable over the cited prior art.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 103 are therefore respectfully requested.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on July 10, 2007,

/Gudrun E. Hockett/

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